[Mr. V. Subba Aiyari]

Government to question the same, as the former is the agent of the latter. The Government are not allowed to question the acts of their agents and, therefore, cannot move for a reference to the District Court. In British India, the Municipal Council is placed on the same footing as Government. But I think it is absolutely necessary to make a distinction. A Municipal Council is a body corporate capable of suing and being sued in its own name. In the eye of the law it is as much a distinct body from Government as any other body. I, therefore, see no reason why the value proposed by the land acquisition officer should be binding upon a Municipal Council which has to pay the compensation from its own funds and why the Council should not be allowed to apply for a reference. Hence the present provision.

With these words, I beg to move that the principle of the Bill be accepted and the Bill be read in Council.

MR. S. PARAMESVARA AIYAR: I beg to second the motion.

The Motion was accepted by the Council, and the Secretary read the title of the Bill.

MR. V. SUBBA AIYAR: I beg to move that the Bill be referred to a Select Committee.

MR. R. KRISHNA PILLAI: I beg to second the motion.

PRESIDENT: The House having accepted the motion, Mr. Subba Aiyar will please propose the names of the members of the Select Committee.

MR. V. SUBBA AIYAR: I propose Messrs. K. Anantanarayana Aiyar, P. K. Narayana Pillai, N. Kumaran, N. Padmanabha Pillai and myself to be the members of the Committee to report within one month.

MR. R. KRISHNA PILLAI: I beg to second the motion.

PRESIDENT: The proposed constitution of the Select Committee having been accepted by the Council, I appoint Mr. Subba Aiyar as the Chairman.

TOLLS RECOVERY REGULATION AMENDMENT BILL.

MR. V. SUBBA AIYAR: Sir, the next item is the Tolls Recovery Regulation Amendment Bill. It was reported to the Government that some of the buses drove away without paying any toll at the Kuzhittura bridge, and the toll contractor, although he was empowered to seize the buses, did not do so. He demanded the toll later on and wanted that the toll should be recovered under the Revenue Recovery Regulation. Certainly it was not possible to recover the sum summarily under that Regulation and the only remedy of the contractor was to file a suit for the recovery. That apart, the person who evaded payment of the toll was not liable to be prosecuted under the Tolls Recovery Regulation, as there was no penalty provided for the non-payment of the toll. This defect is proposed

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to be cured by the present Bill. The Bill follows Section 89 of the Municipal Regulation, wherein it is laid down that, if any person shall, with any carriage, cart or animal, go off or pass from any street on which a toll-bar, gate or gate-keeper's station has been constructed under the provisions of Section 88 through or over any land adjoining thereto, such land not being owned or occupied by such person and not being a public street, with intent to evade the payment of any toll leviable under the provisions hereinbefore contained, such person shall be liable to a fine not exceeding fifty rupees and shall also pay the amount of the toll and cost of prosecution. Thus driving with an intent to evade payment of fees is liable to be punished by a court of law. That provision is proposed to be embodied in the Tolls Recovery Regulation. The only object of the Bill is that in cases of wilful evasion of payment of tolls the person should be held criminally liable. The Bill does not provide for a summary recovery of the dues. With these words, I beg to move that the Bill be read in Council.

MR. R. KRISHNA PILLAI: I beg to second the motion.

The House having accepted the principle of the Bill, the Secretary read the title of the Bill.

MR. V. SUBBA AIYAR: The House having accepted the Bill, I beg to move that the Bill be referred to a Select Committee.

MR. R. KRISHNA PILLAI: I beg to second the motion.

MR. A. GOVINDA MENON: In regard to the reference made by the mover to the Municipal Regulation I want to say—

PRESIDENT: I am afraid you are too late. The principle of the Bill has been accepted and the motion before the Council is that it be referred to a Select Committee. I take it that the House agrees to the motion that the Bill be referred to a Select Committee.

MR. V. SUBBA AIYAR: I propose Messrs. T. K. Velu Pillai, K. C. Raja Raja Varma Koiltampuran and myself as members of the Committee to report within one month.

MR. R. KRISHNA PILLAI: I second the motion.

PRESIDENT: The motion having been accepted by the Council, I nominate Mr. Subba Aiyar as the Chairman of the Committee.

CRIMINAL PROCEDURE CODE AMENDMENT BILL.

MR. V. SUBBA AIYAR: Sir, the last item in the agenda to-day is the Criminal Procedure Code Amendment Bill and this has also been published in the Gazette with the permission of the Dewan. I, therefore, beg to move that the Bill be read in Council.

MR. K. GEORGE: I second the motion.

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